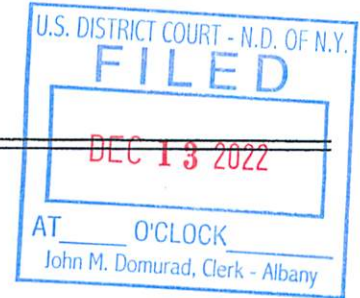


AO 91 (Rev. 11/11) Criminal Complaint



UNITED STATES DISTRICT COURT

for the
Northern District of New York

UNITED STATES OF AMERICA

v.

MICHAEL J. BROWN, JR. and LUKE
KENNA,

Defendants.

Case No. 1:22-mj-789(CFH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.
Between November 14, 2022, and November 26, 2022 in the county of Fulton in the Northern District of New
York the defendants violated:

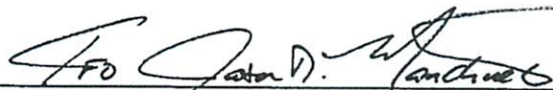
Code Section
18 U.S.C. § 371

Offense Description
Conspiracy to Commit Bank Robbery

This criminal complaint is based on these facts:

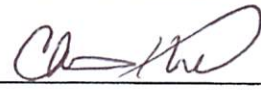
See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature
Task Force Officer Jason D. Manchuck
Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 12/13/2022


Judge's signature
Hon. Christian F. Hummel, U.S. Magistrate Judge
Printed name and title

City and State: Albany, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, **Jason D. Manchuck**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an Investigator with the New York State Police (NYSP), Bureau of Criminal Investigation, currently assigned to the Special Investigations Unit Albany, with the Division of the NYSP. Additionally, I am a Task Force Officer with the Federal Bureau of Investigation (FBI), Albany, New York Field Office and am assigned to the Joint Terrorism Task Force.

2. I have been employed as a Police Officer with the NYSP since December 1, 2008, and was subsequently promoted to the rank of Investigator with the Bureau of Criminal Investigation on September 11, 2014, and was recently promoted to Senior Investigator on July 7, 2022. While working in the capacity of a Trooper, and subsequently as an Investigator, I have been afforded the opportunity to work on several hundred criminal and non-criminal investigations. Many of these range from direct contribution through case agent and/or criminal investigation autonomy, to multiagency operations, involving the use of special details as determined appropriate and necessary.

3. These investigations include being the case agent responsible for assaults, child abuse/endangerment, larcenies, frauds and burglaries, drug investigations (focusing on the development of and use of confidential informants and working in an undercover capacity), sexual assaults, robberies, missing persons, and homicides. Although typical for investigations to include traditional complainant-generated incidents, others involve proactive or self-initiated investigations through interviews/interrogations, the development of confidential informants, and the employment of covert physical and electronic surveillance techniques in furtherance of continued investigative action.

4. Over the course of my time as a Task Force Officer and Investigator, I have received training and have experience in criminal and national security investigations, as well as matters involving domestic and international terrorism, and have been afforded the opportunity to work on a significant number of criminal investigations involving cellular telephones, including historical and prospective cell-site data from wireless providers, and social media. Additionally, I have routinely been the affiant on and subsequently executed numerous search warrants relative to these investigations, including search warrants related to electronic communications and electronic devices. I have significant experience in reviewing electronic information stored on cell phones and other electronic devices.

5. As a Trooper, after initial training, I was afforded the opportunity to attend numerous training initiatives to include the Advanced Criminal Interdiction Training and the NYSP Undercover Operations School. As an Investigator, I have attended additional trainings including, yet not limited to, the NYSP Electronic Surveillance & Title III Eavesdropping Warrant Training, the NYSP Advanced Search Warrant Training, the NYSP Basic Criminal Investigation School, the NYSP Police Basic Crisis Negotiator School, and the National Children's Advocacy Center Training—Forensic Interviewing of Children Training.

6. This affidavit is intended to show only that there is sufficient probable cause for a complaint and does not set forth all of my knowledge about this matter. The information contained in this affidavit includes information that I obtained from other law enforcement agents and officers, and from law enforcement and public records databases. The statements described in this affidavit are set forth in sum, substance, and in part. Where I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time asserted.

7. 18 U.S.C. § 2113(a) states, in relevant part, “Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association [...] [s]hall be fined under this title or imprisoned not more than twenty years.” 18 U.S.C. § 2113(d) states, “Whoever, in committing, or in attempting to commit, any offense defined in subsections (a) and (b) of this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined under this title or imprisoned not more than twenty-five years, or both.” 18 U.S.C. § 371 states, “If two or more persons conspire ... to commit any offense against the United States, [...] [he] shall be fined under this title or imprisoned not more than five years, or both.”

8. I make this affidavit in support of a criminal complaint charging Michael J. Brown Jr. (“BROWN”) and Luke KENNA (“KENNA”) with a violation of 18 U.S.C. §§ 371, 2113(a), (d) [Conspiracy to Commit Bank Robbery].

PROBABLE CAUSE

9. In November 2022, the United States, including the FBI, began investigating BROWN and KENNA for conspiring to commit an armed bank robbery at the Community National Bank in Johnstown, New York. Electronic communications on KENNA’s cellular phone show that KENNA and BROWN agreed to and planned to commit an armed bank robbery at the Community National Bank in Johnstown, New York, and that both KENNA and BROWN performed overt acts in furtherance of the conspiracy—including KENNA conducting surveillance of the bank on November 21, 2022, and BROWN traveling to New York from Pennsylvania on November 26, 2022.

Background on KENNA

10. KENNA runs a self-defense and “primitive” survival skills training business named Tyr Tactical Training located in Gloversville, New York.¹

11. Open-source media searches reveal posts on Instagram, a social media website and application, and Instagram profiles for “Tyr Tactical Training” and KENNA. Both Instagram profiles have posts that include images consistent with white supremacist ideology, including sonnenrad, pagan symbols/runes, confederate flags, pine tree symbols, and skulls, along with posts showing firearms, edged weapons, and other tactical and survival gear. The TYR Tactical Training Instagram page includes the following description: “Scenario based training in emergency preparedness, self defense, weapons, wilderness survival, and bushcraft.”² A link is provided to a Telegram channel for TyrTacticalTraining.³

12. On November 7, 2022, at 12:23 p.m., Telegram user TyrTacticalTraining posted three photographs including a photograph of KENNA smoking, wearing an orange jacket, and holding the rifle in his hands near a body of water. The same message and photographs were posted on November 8, 2022, by Telegram user “Leo ☩ Solaris OMTO” (the “Solaris OMTO Telegram Account”) on another Telegram channel associated with white supremacist ideology.⁴ Thus, I

¹ Tyr is a Norse pagan rune appropriated by the Nazi SS that is frequently used by neo-Nazis today. See Anti-Defamation League, <https://www.adl.org/resources/hate-symbol/tyr-rune>.

² All of the social media messages and other materials quoted in this affidavit bear the same spelling, punctuation, and grammar as found in the originals of these records.

³ Telegram Messenger is an encrypted, cloud-based and centralized instant messaging service that provides end-to-end encrypted chats, video calling, VoIP, file sharing and several other features. See <https://telegram.org/>. The Tyr Tactical Telegram channel is available here: <https://t.me/s/tyrtactical>

⁴ The Church of Aryanity (CoA)—a combination of “Aryan” and “spirituality”—describes itself as a “an organized religion for White Aryans only” and is only “open to adult, non-Jewish, white Aryan men who are of healthy genetic stock.” See aryan scholar, Aryanity (Jan. 24, 2021), <https://aryanity.com/?p=159>.

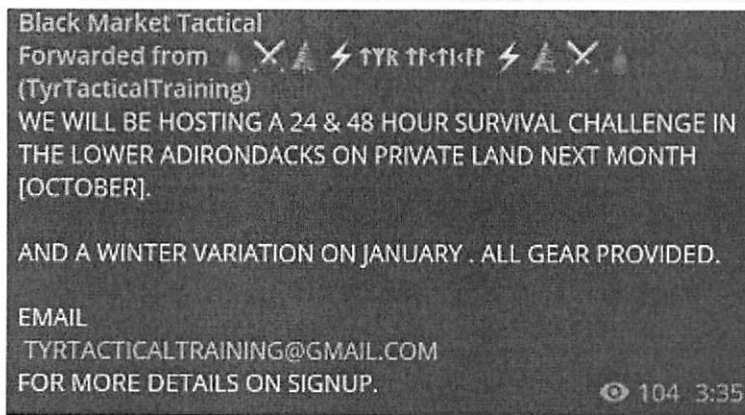
believe that the Solaris OMTO Telegram Account is likely owned and controlled by KENNA.

13. Many of the Telegram posts by the Solaris OMTO and TyrTacticalTraining Telegram Accounts are forwarded messages from a Telegram Account for “Black Market Tactical.” For example, on November 17, 2022, Telegram user TyrTacticalTraining forwards/posts photographs of several knives on sale at Black Market Tactical, including one knife described as a “sweeper.”

Background on BROWN

14. BROWN, a/k/a “Doc Grimson,” is the owner of Black Market Tactical (BMT) and Black Market Strength and Conditioning (BMSC). Based on FBI’s and NYSP’s investigation, I believe that BMT and BMSC provide various tactical trainings and sell BROWN’s homemade knives and other tactical gear. BMT’s website, <https://www.blackmarkettactical.com/>, states, “In 2017, Doc Founded Black Market Strength & Conditioning LLC, followed by Black Market Tactical LLC in 2019.”

15. BROWN and KENNA are closely associated. Based on public sources, including the Black Market Tactical Telegram page, BROWN and KENNA co-planned to host an event called the “Warrior’s Lodge” in the Adirondacks in October 2022. One of the Telegram posts from September 2022 is copied below:



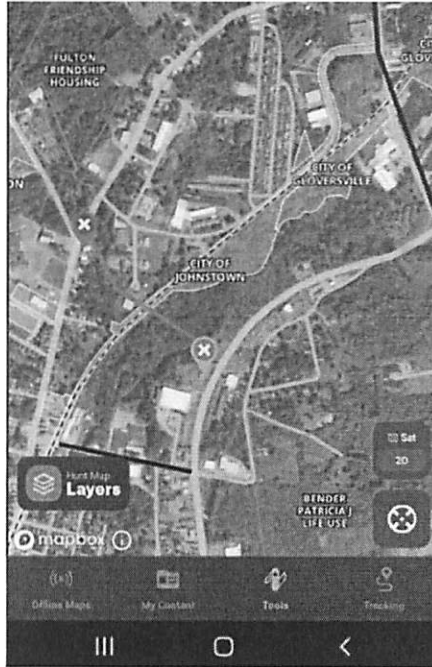
Search of KENNA's Phone

16. A cell phone seized incident to the arrest of KENNA (the "Kenna Phone") on November 26, 2022, was subsequently searched, pursuant to federal and state search warrants, for evidence of certain violations of federal and state law, including a conspiracy to commit bank robbery involving KENNA and BROWN. The Kenna Phone contained the following communications indicating a conspiracy to commit a bank robbery, among others:

- a. On November 14, 2022, on the instant messaging service Threema,⁵ the owner of the Kenna Phone and Threema user ID 2W2VYTFU with alias "Lt." created a group chat titled, "ᐃᐃ: Screenwriters Guild" with two other members of the chat: a user with ID 7R279AT6 with alias "Russ" and another conspirator ("Conspirator-2"). As described further below, I, along with other investigators, believe that "Lt." is KENNA and "Russ" is BROWN.
- b. The KENNA-BROWN-Conspirator-2 group chat on Threema contained the following communications among others:
 - i. On November 14, 2022, at 6:38:37 p.m. (UTC-5), KENNA/Lt. sent two screenshots taken on a cellular device of a map showing a route in Johnstown/Gloversville, New York. Based on my understanding and review of maps of Gloversville, I understand that the red X marks the location for a Community Bank, N.A. ("CBNA") located on 311 N Comrie Avenue,

⁵Threema is a paid and proprietary end-to-end encrypted instant messaging service available on iOS and Android devices. Threema uses a user ID, created after the initial app launch by a random generator, instead of requiring a linked email address or phone number to send messages. It is possible to find other users by phone number or email address if the user allows the app to synchronize their address book. Linking a phone number or email address to a Threema ID is optional. Hence, the service can be used anonymously. For more information about Threema, see <https://threema.ch/en/support>

Johnstown, New York. An excerpted copy of the screenshot shared in the chat is provided below:



- ii. On November 14, 2022 at 6:58:00 p.m. (UTC-5), KENNA/"Lt." sends a message stating, "You should have all this but I'm going to start sending plans etc here for ease of use."
- iii. On November 15, 2022 at 6:25:26 p.m. (UTC-5), KENNA/"Lt." sends a message stating, "So with that I like to welcome you gentlemen to the SS screenwriters Guild once we get closer to the actual event date we will probably compartmentalize a Screen Actors Guild group and do a rehearsal and dry run of at least the timing on things such as the distance in movement on foot Etc I will be posting the script as it comes in here and all actors parts and lines to rehearse for the big day." KENNA/"Lt." further states, "I would also like to say that I am both honored and extremely pleased to have both of you gentlemen here on this project with me I know that it's going to be a

hit and we're going to make it all the way to Broadway if you know what I'm saying.” In response, BROWN/“Russ” and Conspirator-2 both respond, “C,” which indicates “copy” or that they acknowledge receipt and agree.

- c. On November 17, 2022, starting at about 2:04:44 p.m. (UTC-5), KENNA/ “Lt.” and BROWN/“Russ” had the following two-way chat via Threema, which in my training and experience suggests that BROWN was going to come visit the Johnstown area to conduct surveillance and planning activities in furtherance of the conspiracy to commit a bank robbery:

Sender	Message
BROWN/“Russ”	Also, next Saturday 26NOV2022 I am available to come up and meet with you to discuss the screenplay. Please provide a time and location to meet after 0900 hrs
KENNA/ “Lt.”	Oh shit!!!. So fucki.g stoked for this!
BROWN/“Russ”	I will plan to bring your completed hweeper with me.
KENNA/ “Lt.”	Sounds good. Let me check my calender and let you know a definite time.
BROWN/“Russ”	Kill
KENNA/ “Lt.”	Saturday the 26th works perfect, we can do some recon and walk a bit if you dog what I'm saying. Still haven't made it in there this week yet to get interior pics but will be before weeks end

- d. On November 17, 2022, at 5:15:19 p.m. (UTC-5), KENNA/“Lt.” sends an audio recording, which investigators have identified to be the voice of Luke KENNA, to the “SS Screenwriters Guild” chat in which KENNA describes how he clocked the bike trail from his house to the location of the “meetup” as “right around 2.5 miles.” He then describes how he is drawing up “some maps” and “backup plans.” He also describes how “Russ and I will be doing some reconnaissance and surveillance next weekend.” KENNA also mentions wanting to have at least one bag “to ditch or bury, just in case” and explains, “I’ve talked to some guys that have done this before and they all agree that it’s always good to have a bag buried. Just in case things go

awry, then you have something to look forward to when you get out.” KENNA also describes his plans to go talk to the “branch manager.”

- e. Later, on November 17, 2022 at 11:53:59 p.m. (UTC-5), KENNA/ “Lt.” sends a message, via Threema, to BROWN/“Russ” stating, “I have one clean p80 , can you procure 2 more for the play?” and “We got another frone coming and a jammer. I have extra baogengs. Anyway we'll discuss more in person. Just watch your 6 on the way here. We'll meet in foot more than likely. I'll come up with a good plan prior to.” In response, “Russ” states, “Copy. I'll work on the p80s.” Additionally, BROWN/“Russ” sent an audio recorded message to KENNA in which he describes meeting in person next week. Based on their familiarity with BROWN’s voice gained during this investigation, FBI personnel have positively identified the voice on that recording sent by “Russ” as BROWN’s. In my training and experience, a “p80” is a nickname for a polymer80, which is a type of handgun. I understand this chat to indicate that KENNA asked BROWN to obtain two other firearms for use in the bank robbery.
- f. The KENNA-BROWN-Conspirator-2 group chat on Threema continued and contained the following additional communications, among others, showing the conspiracy to commit a bank robbery:
 - i. On November 18, 2022, at 12:29:31 a.m. (UTC-5), KENNA/“Lt.” sends an audio recording in which he describes a “variable” that law enforcement might be “keeping eyes” on him. He describes that if it does become a problem, “we will not abort, we will just change plans. There is no aborting this.” He further states, “Everybody that’s in on this I brought you in

because I trust you guys. Could all use this kind of score and could all be trusted.”

- ii. On November 18, 2022, at 6:39:00 a.m. (UTC-5), BROWN/“Russ” states, “I’d recommend that we split movie proceeds three ways and guys can bury or secure their portion at their discretion” In response, KENNA/“Lt.” states, “Agreed.”
- g. On November 18, 2022, at 8:04:30 a.m. (UTC-5), KENNA/“Lt.” describes in an audio message how he is scrapping “the hotel idea.” He describes that he had secured “the job vehicle.” He then explains how he got some advice to “not take too long planning, ya know, some people take years and years, it’s a little too much, and not take too short, not to just jump in and do it like a junkie.” He then describes the need for pre- and post-surveillance and states that the surveillance “will mostly be me because I’m in the area and because I’m a customer so I can just go and be nosey.”
- h. On November 18, 2022, at 6:56:47 p.m. (UTC-5), KENNA/“Lt.” states, “Looks like we’re getting this paper jew money while it lasts. Just in time to invest into bigger and better things.” KENNA/“Lt.” then sends another message at 6:58 (UTC-5) stating, “Working up some stage setup and draft plays on paper now. Was dark at 5pm today. Perfect. By the time of the big day it will already be dark when the “guys” get there. Clocking it on foot tonight after an non related operation in that AO.”
- i. On November 21, 2022, KENNA/“Lt.” sends various photographs, which were taken by and found separately on the Kenna Phone, of a walking trail.

After sending the photos, at approximately 12:01 p.m. (UTC-5), KENNA/“Lt.” and BROWN/“Russ” exchange the following messages:

Sender	Message
KENNA/“Lt.”	These are the woods leading from “stage” to “backstage” [infill & exfill] along with the bike path aka fj&g rail trail. Photos of the "stage and potential pickup spots off the trail coming later.
KENNA/“Lt.”	This small creek (cayudetta) will need to be crossed upon exfill by L & R
KENNA/“Lt.”	S will be both poated up at the Pickup location and mobile to monitor the roads and ao in general via eyes, drone, and public safety channels on baofeng
BROWN/“Russ”	Copy

- j. On November 21, 2022, at 12:41 p.m. (UTC-5), BROWN/“Russ” sends a message stating, “Copy. This weekend we can get some birds eye recon with the drone.”
- k. On November 21, 2022, at 12:54 p.m. (UTC-5), KENNA/ “Lt.” sends various .mp4 videos showing KENNA driving in his car on a route to CBNA in Johnstown, New York. During the videos KENNA is audio recorded describing how he anticipates tracking through the woods and that each of them will be “carrying weight” and estimates that each of them would be “carrying about 100 lbs. each at least.” At 1:18 p.m. (UTC-5), KENNA/ “Lt.” sends the following photographs showing the outside of CBNA in Johnstown, New York, including one photograph showing KENNA’s reflection in the glass door. Based on the video and information above, I believe that Luke KENNA took at least one overt act in furtherance

of his conspiracy to commit bank robbery by conducting surveillance of the CBNA bank in Johnstown, New York on November 21, 2022.



- I. On November 21, 2022, at 1:21:59 p.m. (UTC-5), BROWN/“Russ” sends a message stating, “Copy on all. I am working on acquiring a heavier prop for this movie as well for my part. If something goes sides ways and we decide to turn this into an action thriller I'd prefer to have something really nice for the audience.” In my training and experience, I believe the reference to a

- “prop” is a reference to a firearm and he appears to be referencing the need to use his firearm in case law enforcement shows up before they can escape.
- m. On November 21, 2022, at 1:29:45 p.m. (UTC-5), KENNA/ “Lt.” sends a message stating, “So maybe if I can put that extra thing together in time I will too, otherwise I have 2 smaller tools and sharp stuff is for the girls. But also remember we will be carrying a duffel each weighing upwards of 100# each (hopefully). Heavier the bag the harder the cardio but heavier the bag better score!!!”
- n. On November 21, 2022, at 7:50 p.m. (UTC-5), BROWN/ “Russ” states, “I like the idea of hitting from both ends, So long as that rear door is accessible. With that being said I have no problem both operator A and B hitting the front entrance simultaneously either. IMO the key to success in this screenplay is demonstrating aggressive domination immediately.”
- o. On November 21, 2022, at 5:50:41 p.m. (UTC-5), KENNA/ “Lt.” sends a message to BROWN/“Russ” and Conspirator-2 providing a list of “items needed for each actor and in general” that included “Boots, outerwear (disposable) change of clothes (underneath disposable clothing) two large duffel bags (waterproof), Weapons radios *4, zip ties/ rope/ tape, plate carrier and or chest rig, personal backpack or bag(empty & non-disposable), flashlight* 3 faraday bags* 3, burner phones * 3, face coverings (balaclava/ ski mask) [hair net/beard net), clean identifications, vehicle.” Conspirator-2 responds “I have loads of zip ties and a roll of gorilla tape” and

BROWN/“Russ” further states, “I will have zip ties prepped on my end for not part.”

17. Also, on November 21, 2022 at 1:09 p.m. (UTC-5), KENNA/ “Lt.” sent an audio message, via Threema, directly to BROWN/“Russ”, stating,

Side note on this other thing I know you are going to be up this weekend I don't know how long you plan on staying. If just for the day or into the night. But that night I am actually planning on a little side thing. I'm going to hit that bar and restaurant up that I used to work at up at the golf course...cuz I believe they are having an event going on and after Thanksgiving that Saturday they should be pretty good at least a couple grand aint gonna be nothing big...but more to throw some terror into them for payback and also to get some funds up because I'm pretty fucking broke. All my money is invested into everything I need for this thing we're doing and a lot of other things...So just an idea I don't know we'll talk about it more in person...like I said I don't know how long you are staying, but I'm going to be doing it that night...

BROWN/“Russ” responds via text chat on Threema, “As always we are thinking along the same lines! Was going to ask you if you had any side projects u wanted to collaborate with while I'm up this weekend! I'm down.” In my training and experience, I understand KENNA's reference “to hit” means “to rob” or “to burglarize,” that his audio message indicates KENNA's intent to commit a robbery of a bar and restaurant, and that he invited BROWN to participate in the robbery with him when BROWN visited him in New York that coming weekend (of November 26). I further understand that BROWN's response indicated that he would participate in the proposed robbery of a bar and restaurant with KENNA.

18. On November 22, 2022, at 1:08:59 a.m. (UTC-5), KENNA sent an unencrypted text message to cell phone number 267-269-9536,⁶ listed in the Kenna Phone's contacts as “Doctor Blackmkt,” stating, “Hey brother I know it's late but check your 3ma asap.” Prior to that message, at 12:47:35 a.m., on November 22, 2022, KENNA/Lt. sent a private message, via Threema, to

⁶ T-Mobile US, Inc. records confirm that BROWN is the registered subscriber of phone number 267-269-9536.

BROWN/“Russ” stating, “CVAntifa: Fighting the fash in Corvallis, Oregon - <https://cvantifa.noblogs.org/>” The linked blogpost by CVAntifa is titled “Aryan Compartmented Elements and Michael “Doc Grimson” Brown Exposed” and explains the connections between KENNA and BROWN as it related to a Telegram channel called Aryan Compartmented Elements. A few moments later, at 12:48:41 a.m., KENNA/“Lt.” sent an audio message to BROWN/“Russ”, stating, “So my best friends at Corvallis fucking discovered my boy Doc” and “this may put a little extra oomph on our stage plan...um...see what happens...still planning for it to go down as planned...still going to film this movie...but definitely gonna have to write and rewrite...and think about the script and building location and a lot of other things...” This correspondence provides additional attribution to confirm that “Russ” is BROWN.

19. Based on these and other chat communications, including attached audio messages, between KENNA, BROWN, and Conspirator-2, there is probable cause to believe that KENNA and BROWN were participants in a conspiracy to commit a bank robbery.

License Plate Reader Information & Surveillance Footage from KENNA’s Residence

20. License plate reader information associated with a Ford F150 Pickup With PA License Plate ZPM0701 registered to BROWN (the “Brown Vehicle”)⁷ shows that BROWN traveled to and from the State of New York on November 26, 2022, which is consistent with a trip by BROWN to Johnstown, New York to conduct surveillance and planning operations in furtherance of the bank robbery conspiracy. According to license plate reader information obtained by law enforcement, the Brown Vehicle had the following license plate reader hits on November 26, 2022: (1) going northbound on I-81 near Binghamton, New York at 8:39 AM, and going

⁷ FBI surveillance has observed BROWN driving the Brown Vehicle in November and December 2022.

southbound on I-81 near Binghamton at approximately 9:35 p.m. From each of these LPR locations, the estimated travel time to Gloversville/Johnstown, New York would be about 2.5 hours. Based on that estimated travel time, if traveling to Johnstown on November 26, 2022, absent any stops, detours, or traffic, the Brown Vehicle would have arrived in Johnstown at approximately 12:05 p.m. Likewise, if the Brown Vehicle departed Johnstown on November 26, 2022, at about 6:08 p.m., then the Brown Vehicle would likely have hit an LPR in Binghamton at about 9:30 p.m.

21. On November 27, 2022, the Honorable John C. Egan, Associate Justice for the Appellate Division of the Third Department of the Supreme Court of New York issued a warrant authorizing the search of the premises located at 93 Grand Street, Gloversville, New York (KENNA's residence), for evidence of certain violations of New York State Law by KENNA. During the search, law enforcement located a Lorex DVR with serial number ND011805060376 (the "Subject DVR"). A warrant was subsequently issued by a Magistrate Judge in the Northern District of New York authorizing the search of the Subject DVR for evidence of a conspiracy to commit bank robbery by KENNA and BROWN. When searched, investigators found surveillance footage on the Subject DVR showing KENNA leaving his residence on November 26, 2022, at 12:51 p.m. dressed in all black, with a black backpack and sunglasses. In my training and experience, KENNA's attire was highly suspicious and indicative of an individual who may have been intending to commit a crime or conduct surveillance operations while remaining undetected. On November 26, 2022, the Subject DVR contained additional surveillance footage showing KENNA returning to his residence at approximately 6:08 p.m.

22. In my training and experience, the departure time of when KENNA left his residence on November 26, at about 12:51 p.m. would be consistent with the approximate arrival time of BROWN in Johnstown, and KENNA's return at approximately 6:08 p.m. would likewise

be consistent with an approximate time when BROWN likely left the area and subsequently had an LPR in the Binghamton area at around 9:35 p.m.

KENNA's Arrest on November 26, 2022

23. On November 26, 2022, a police officer with the City of Gloversville Police Department (GPD) conducted a traffic stop on a tan minivan for traffic violations in the City of Gloversville, in Fulton County, New York. Prior to approaching the vehicle, the police officer notified his dispatch that there seemed to be disruptions in radio transmissions, akin to signals being jammed. Upon approach of the vehicle, the officer heard his dispatch communications being transmitted over a listening device inside the vehicle he had stopped. The officer asked the operator, later identified as KENNA, to present identification, but KENNA was unable to do so. The officer saw that KENNA was wearing all black clothing, including black gloves, and appeared to be wearing a ballistic vest under his jacket. A large knife was seen between the driver and passenger seats.⁸ Due to the presence of weapons, KENNA's inability to provide identification, and the appearance of a ballistic vest, the officer requested additional units before approaching KENNA again.

24. After additional units arrived on the scene, the officer asked KENNA to exit the vehicle. When asked if he had any weapons, KENNA denied having any weapons on his person. A pat frisk for officer safety by the officer led to the discovery of a firearm and extra magazine in a holster on the front of KENNA's waistband. The firearm was loaded with a ten-round magazine. The officer located an additional ten-round magazine in KENNA's holster. When asked if he had

⁸ The knife ultimately recovered by GPD had certain markings that led investigators to believe that the knife was manufactured by BROWN and Black Market Tactical.

a pistol permit, KENNA declined to answer.⁹ The officer determined that KENNA was wearing a ballistic vest containing a knife and that KENNA had a radio on his waistband. The officer read KENNA his Miranda warnings and secured KENNA in a patrol car.

25. Subsequent examination of the firearm revealed that it had no serial numbers, which would be located on a legally owned firearm. A firearm without serial numbers is considered a “ghost gun” because it makes them difficult for law enforcement to trace. A “ghost gun” is typically possessed by those who wish to avoid background checks and the process associated with legally owning a firearm, often because they are prohibited from possessing firearms.

26. Law enforcement then conducted a search of KENNA’s grabbable area in the vehicle, upon KENNA’s voluntary consent, at which time a bag was located containing a loaded six round magazine, medical equipment used to treat injuries in the field, a cell phone in a black Faraday bag¹⁰ multiple knives, scarves, extra gloves, as well as miscellaneous items.

27. Law enforcement also located a notebook in plain view in the front passenger seat of the vehicle with handwritten notes and diary entries. One entry in the notebook, dated November 19, 2022, states as follows:

Its coming up to the end of the year and I am flat broke with nothing but a gun and a dream. I’m going to fulfill my destiny one way or another. And It’s going to take bold action to do so. I have already set in to motion a plan to start it all off. I’m writing a ‘screen play’ on a movie about 3 guys that rob a small bank and set off with a large amount of cash and get set up for things to come so as to keep their families safe & sound, Protected.

⁹ Law enforcement checks later confirmed that KENNA did not have a pistol permit and investigators believe that he was a prohibited person.

¹⁰ A Faraday bag is a bag made from conductive material that shields devices held inside the bag from outside electronic signals. Faraday bags are typically used to prevent data from being altered, deleted, or added to a device.

Also in the notebook is an entry stating, “need for CBNA op.” Based on my training and experience, I believe that “CBNA” is an abbreviation for Community Bank, N.A., a bank serving customers in Upstate New York, Northeastern Pennsylvania, Vermont, and Massachusetts and that this is a reference to the planned bank robbery.

28. GPD officers then arrested KENNA and charged him with violations of New York State Penal Law including charges for Criminal Possession of a Weapon in the Second Degree, Criminal Possession of a Firearm, and Unlawful Wearing of a Body Vest.

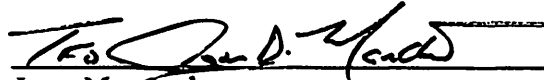
FDIC Insurance for CBNA

29. Based on records provided to me about CBNA, I understand that the deposits of CBNA were insured by the Federal Deposit Insurance Corporation (FDIC) in November 2022.

CONCLUSION

30. Based on the foregoing, there is probable cause to conclude that Michael J. BROWN, Jr. and Luke KENNA each violated Title 18, United States Code, Sections 371, and 2113(a), between at least November 14, 2022 and November 26, 2022, by knowingly conspiring to take by force, violence, and intimidation from the person and employees of the Community Bank, N.A. in Johnstown, New York, United States currency belonging to that bank, the deposits of which were then insured by the FDIC, and in committing that offense, conspired to assault and put in jeopardy the lives of the CBNA employees by means and use of a dangerous weapon.

Attested to by:


Jason Manchuck
Task Force Officer
Federal Bureau of Investigation

I, the Honorable Christian F. Hummel, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on December ~~12~~, 13 2022, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


HONORABLE CHRISTIAN F. HUMMEL
UNITED STATES MAGISTRATE JUDGE